

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED and	)	
DYSON, INC.,	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 05-434-GMS
	)	
MAYTAG CORPORATION,	)	
	)	
Defendant.	)	

**DEFENDANT MAYTAG CORPORATION'S UNOPPOSED MOTION  
TO SUPPLEMENT ITS COUNTERCLAIMS**

Defendant Maytag Corporation (“Maytag”) hereby moves to supplement its counterclaims. This Motion is unopposed, as expressed by counsel for plaintiffs Dyson Technology Limited and Dyson, Inc. (“Dyson”) via communication with Maytag’s counsel on September 11, 2006.

Further, Maytag, upon grant of this Motion, will withdraw its Motion for Leave to Amend its Counterclaims (D.I. 67).

Maytag filed its original Motion to Amend its Counterclaims (D.I. 67, memorandum in support at D.I. 68) pursuant to Fed. R. Civ. P. 15(a) on March 24, 2006, containing new allegations of acts of false and misleading advertising by Plaintiffs that occurred after the date of the original Complaint in this case, and after Defendant’s Answer and Counterclaims were filed. Maytag now, in lieu of its Motion to Amend, moves this Court to supplement its Counterclaims in compliance with Federal Rule of Civil Procedure 15(d).

Maytag’s Affirmative Defenses and Supplemented Counterclaims are attached to this motion as Exhibit A. Maytag also attaches hereto a redlined version of its Affirmative Defenses and Supplemented Counterclaims as Exhibit B, so that the Court and counsel may easily see

what information has been added. *See* Local Rule 15.1. Specifically, the modifications allege additional acts of false and misleading advertising by plaintiffs that occurred after the initial complaint in this case, and after Defendant's Answer and Counterclaims were filed. Because (as explained more fully in the Memorandum of Law filed herewith by Maytag) leave to supplement under Rule 15(d) is liberally granted, and further because the motion is unopposed, Maytag respectfully submits that this unopposed motion should be granted.

Respectfully submitted,

/s/ Stephanie O'Byrne

Francis DiGiovanni (#3189)  
Stephanie O'Byrne (#4446)  
Connolly Bove Lodge & Hutz LLP  
The Nemours Building  
1007 N. Orange Street  
Wilmington, DE 19899  
Phone (302) 658-9141

Kimball R. Anderson  
Stephen P. Durchslag  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601  
Phone (312) 558-5600

Ray L. Weber  
Laura J. Gentilcore  
Renner, Kenner, Greive, Bobak,  
Taylor & Weber  
400 First National Tower  
Akron, OH 44308  
Phone (330) 376-1242  
Facsimile (330) 376-9646  
Phone (302) 658-9141

Dated: September 11, 2006

Attorneys for Maytag Corporation

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